

AMENDED IN ASSEMBLY APRIL 15, 2009

CALIFORNIA LEGISLATURE—2009—10 REGULAR SESSION

**ASSEMBLY BILL**

**No. 1170**

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**Introduced by Assembly Member Charles Calderon**  
*(Coauthor: Assembly Member Hagman)*

February 27, 2009

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An act to add Section 290.47 to the Penal Code, relating to sex offenders, and making an appropriation therefor.

LEGISLATIVE COUNSEL'S DIGEST

AB 1170, as amended, Charles Calderon. Registered sex offenders: rental housing: consumer information booklet.

Existing law requires a person who has been convicted of specified crimes to register as a sex offender and establishes the procedures for registration. Existing law also requires leases and rental agreements for residential real property to contain a notice regarding information about specified registered sex offenders made available to the public via an Internet Web site maintained by the Department of Justice.

This bill would require the Department of Justice to make available to the public a consumer information booklet providing federal and state law ~~relating to~~ *regarding* sex offender registration as it relates to the lease or rental of real property *and would require the department to consult with the Department of Consumer Affairs and other interested organizations in developing the consumer information booklet*. The bill would also provide that if the consumer information booklet is delivered to a prospective or current resident by the owner or owner's agent in connection with the lease or rental of residential real property, the owner or owner's agent is not required to provide additional information on this subject, as specified.

The bill would create the Megan’s Law Disclosure Booklet for Landlords and Tenants Fund, would continuously appropriate voluntary contributions or donations received into the fund to the department to pay for the costs directly associated with the consumer information booklet, and would provide that the department ~~need not incur~~ *may delay incurring* any cost associated with the provisions of this bill until sufficient contributions to the fund have been deposited.

Vote: majority. Appropriation: yes. Fiscal committee: yes. State-mandated local program: no.

*The people of the State of California do enact as follows:*

1 SECTION 1. Section 290.47 is added to the Penal Code, to  
2 read:

3 290.47. (a) The Department of Justice shall make available to  
4 the public a consumer information booklet in a question and answer  
5 format that shall educate and inform consumers about federal and  
6 state law ~~relating to~~ *regarding* persons who are required to register  
7 pursuant to Section 290 as it relates to the lease or rental of real  
8 property. The consumer information booklet shall include the  
9 following:

10 (1) General information concerning federal and state laws  
11 relating to persons who are required to register pursuant to Section  
12 290.

13 (2) Information regarding the statutory duty to disclose specific  
14 language in subdivision (b) of Section 2079.10a of the Civil Code  
15 to a prospective resident.

16 (3) A discussion about legal access and use of information  
17 contained in the department’s Internet Web site.

18 ~~(4) Disclosure duties and obligations, if any, of an owner or  
19 owner’s agent regarding a sex offender on or about the property.~~

20 ~~(5) Duties and rights of an owner or owner’s agent associated  
21 with the discovery that a tenant or prospective tenant is a registered  
22 sex offender, including those relating to the denial to rent or lease  
23 to a prospective resident and the termination of a rental or lease  
24 agreement on the basis of a conviction for an offence requiring  
25 registration as a sex offender.~~

26 (4) *Identification of the constitutional, statutory, and decisional  
27 law applicable to this section.*

1 (b) If the consumer information booklet is delivered to a  
2 prospective resident or current resident by the owner or owner's  
3 agent in connection with the lease or rental of residential real  
4 property, the owner or owner's agent shall not be required to  
5 ~~provide additional information concerning this subject, and the~~  
6 ~~information shall be deemed to be adequate to inform the~~  
7 ~~prospective resident or resident regarding the information that is~~  
8 ~~contained in the booklet.~~ *provide information in addition to that*  
9 *contained in the booklet.*

10 (c) Notwithstanding subdivision (a), this section does not alter  
11 the duty of an owner or owner's agent to report and otherwise act  
12 on the existence of known illegal activity on or affecting the real  
13 property. *Nothing in this section alters any existing duty of an*  
14 *owner or owner's agent under any other statute or decisional law.*

15 (d) *In the development of the consumer information booklet,*  
16 *the Department of Justice shall consult with the Department of*  
17 *Consumer Affairs and public and private organizations having a*  
18 *demonstrated interest in this area of law.*

19 ~~(d)~~

20 (e) The Department of Justice may receive voluntary  
21 contributions or donations to pay for the costs directly associated  
22 with the research, development, and public release of the consumer  
23 information booklet. Voluntary contributions or donations shall  
24 be deposited into the Megan's Law Disclosure Booklet for  
25 Landlords and Tenants Fund, which is hereby created in the State  
26 Treasury. Only moneys contributed or donated for the purposes  
27 of this section may be deposited into the fund. The fund shall be  
28 credited with all investment income earned by moneys in the fund.  
29 The moneys received in contributions or donations for the purposes  
30 of this section are not part of the General Fund as defined in  
31 Section 16300 of the Government Code and are special funds held  
32 in trust for those purposes. Notwithstanding Section 13340 of the  
33 Government Code, moneys in the fund from voluntary  
34 contributions or donations are hereby continuously appropriated  
35 to the department without regard to fiscal years and shall be used  
36 to support the department's costs associated with the  
37 implementation of this section. However, the Department may  
38 delay incurring any cost associated with the implementation of

- 1 this section until sufficient voluntary contributions have been
- 2 deposited in the fund to pay those costs.

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